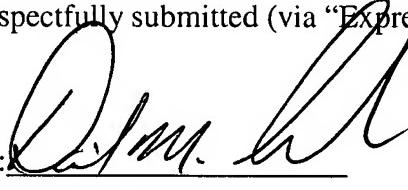


REMARKS

Prior to entry of the amendment above, claims 1-22 were pending. By way of the amendment above, non-elected claims 1-13 have been canceled without prejudice, claims 14, 15, 17, and 19-21 have been amended, and new claims 23-25 have been added. As such, claims 14-25 are now pending. The amendments to claims 14, 15, 17, and 19-21 have been made for reasons unrelated to patentability. Specifically, claim 14 has been amended to reflect a particularly preferred subgenus of Applicants' invention, namely that wherein delivery of an active agent (e.g., a pharmaceutical or nucleic acid), is achieved by injecting a fluid containing the agent while the needle is being inserted into the tissue either before or at the same time as the tissue is being electroporated. The amendments to claims 15, 17, and 19-21 have been made to use currently preferred terminology and to ensure consistency between the claims. New claims 23-25 concern particularly preferred classes of active agents. Support for the foregoing amendments is found throughout the specification. For the record, Applicants reserve the right to pursue in this or a related application inventive subject matter no longer or not yet claimed herein.

Applicants respectfully request reconsideration of the claimed invention in view of the amendments above, which obviate each of the various 35 U.S.C. §§ 102(b) and (e) and § 103(a) rejections advanced in the Office action.¹ Given this, Applicants respectfully submit that the invention bounded by claims 14-25 is patentable, and they earnestly solicit prompt issuance of a notice to that effect. Of course, if during the course of examination any issue arises that may be addressed without the need for a formal written action and response thereto, the Examiner is encouraged to telephone Applicants' undersigned attorney to discuss it.

Respectfully submitted (via "Express Mail"),

By: 

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¹ Applicants note that "fanning" is defined in commonly owned U.S. patent nos. 6,181,964 and 6,418,341 as referring to "administering the drug by changing the direction of the needle as the drug is being injected or by multiple injections in multiple directions like opening up of a hand fan, rather than as a bolus, in order to provide a greater distribution of drug throughout the tumor." (emphasis added) '964 patent, col. 13, lines 52-57; '341 patent, col. 10, lines 40-45. Thus, "fanning" differs from injecting fluid while inserting a needle through which the fluid is injected.